Refugee Reports

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"WE ASKED FOR DEMOCRACY AND GOT ONLY BULLETS": STUDENTS AND MINORITIES ON THE THAI-BURMA BORDER*

[In the first three weeks of July, Refugee Reports staff writer Court Robinson was on the Thailand-Burma border, where thousands of Burmese students and ethnic minorities have been forced to flee continued persecution by the military government in Rangoon. Although their plight in many ways parallels that of other Indochinese refugees in the region--and that of students in China--little is known about their situation. The report below, based on Robinson's visit, is excerpted from an upcoming USCR issue brief on the subject.]

Following last year's pitiless crackdown by the army on pro-democracy activists in Burma, thousands of high school and college students fled to remote border areas, seeking sanctuary and common cause with the many ethnic minority groups engaged in their own struggle against the central government in Rangoon. The largest number of Burmese students, nearly 7,500 at one point, went east to the Thai border, where they found help from the Karen, Mon, Karenni, and Pa-O minority groups. Perhaps 1,000 more crossed into Thailand, where the welcome was decidedly colder.

After flirting briefly with a policy to grant temporary asylum, Thai authorities instead opted first for a repatriation program, followed by a declaration that, as of March 31, 1989, all Burmese students in Thailand would be treated as illegal immigrants, subject to arrest and deportation.

Unable to cope with endemic malaria and other rigors of jungle life, many of the students on the border returned home or are hiding in Thailand. The student population on the border now stands at about 3,000, living in ten separate camps stretched along 700 miles of rugged mountainous terrain.

But despite the industry and high morale evident in the camps, the Burmese students express a growing sense of urgency and frustration. Pressed on one side

*Burma has just recently changed its name to the Union of Myanma, but in this article, we are using the more commonly known term.

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Students at Thay Baw Bo camp assemble to greet visitors. Conditions are spartan, food and medical supplies are insufficient, and the risk of Burmese army attack is ever-present. On July 1, the students opened a "jungle university" here, with classes in political science, animal husbandry, Thai and English language, and health.
Photo credit: USCR/Court Robinson

by Burmese army offensives, blocked on the other by an indifferent, and often hostile, Thai government, the students and their ethnic minority allies find their calls for help too often go unanswered.

Some aid is being provided, but it meets only about half the subsistence needs for food and medicine; asylum is precarious in Thailand and hard to come by anywhere else in the world; and arrest and persecution continue of student dissidents and minority groups in Burma.

"We asked for democracy and got only bullets," said one student. "Now we ask who is on our side for freedom. We worry that time will run out and the people will be crushed again."

Army Coup, Crackdown Sends Thousands to the Borders Last year, on July 23, Gen. Ne Win resigned after 26 years of authoritarian rule. Simmering discontent had bubbled over in student-led demonstrations earlier in the year, with at least 40 people killed and dozens more injured or arrested by riot police.

On August 8, 1988, more than 100,000 people flouted the newly imposed martial law and took peacefully to the streets of Rangoon, calling for sweeping political and economic reform. They were answered with gunfire. The Burmese army cracked down on the nationwide demonstrations, killing between 1,000 and 3,000 people and arresting scores of others.

On September 18, Gen. Saw Maung, a protege of Ne Win, seized power in a military coup, and the killings and arrests began anew. Foreign diplomats put the September death toll at over 1,000, and estimates by student groups marked it much higher.

Flight from the cities began immediately

after the coup. On September 20, Thai newspapers reported the arrival of 250 Burmese students in the border towns of Ranong and Mae Sot. That same day, Thai Foreign Minister Sitthi Savetsila, describing the students as "war refugees," said they would be granted temporary asylum in Thailand. "We cannot send them back right now because they would be killed," he said.

Within days, the Thai government appeared to back off from its asylum position, as the Burmese population in Ranong grew to 500. On September 22, a spokesman for the Foreign Ministry told reporters that the Thai government did not consider the Burmese to be refugees, but "temporarily displaced persons." The spokesman said that an offer of assistance from the UN High Commissioner for Refugees (UNHCR) had been rejected. Aid would instead be channelled through the Thai Red Cross.

Three days later, Ranong Governor Chalerm Yoopamorn announced that 107 Burmese had been detained for illegal entry and would be returned. On October 8, Thai authorities rounded up 135 Burmese students who had sought sanctuary in a Buddhist monastery near Mae Sot and trucked them across the border to the Karen military camp of Thay Baw Bo.

By mid-October, Burmese students on the border numbered nearly 7,500. Another 1,000 had taken refuge on the India border, and an estimated 2,000 had fled to the China border.

On October 17, the Burmese government announced it was opening 27 "reception centers" along Burma's borders and offered an amnesty to all students who returned home by November 18. Following the return of between 500 and 1,000 people in November, the government ultimately extended the deadline to January 31.

Amnesty International reported that some of the returning students allegedly "were either taken into custody and executed by army units or were shot and killed by soldiers who ambushed them in the forest." On November 19, nine students were arrested in the Burmese town of Kawthaung (also called Victoria Point) opposite Ranong. They were taken to a military camp where, allegedly, four were beheaded. The other five somehow managed to escape.

Thailand Presses Repatriation In December, the governments of Burma and Thailand agreed to establish a repatriation center at a military airfield outside the Thai city of Tak.

The reaction of the students was skeptical. "Some people may come in because of the lack of food and medicine in the jungle," Htun Aung Kyaw told the Bangkok Post, "but most will stay on despite the hardship."

Chairman of the All Burma Students Democratic Front (ABSDF), Htun Aung Kyaw said, "Gen. Chaowalit may have good intentions, but I doubt he knows the real situation in Burma. How will he feel when he learns that the people he sent back have been shot or hung?"

On January 18, the Burmese government invited 46 journalists for a three-day tour of Burma and a meeting with about 150 student returnees and their parents.

Interviewed in the presence of military officers and government officials, most of the students said they had not been mistreated since their return. But in private, according to the Far Eastern Economic Review, some said they had been forced to come back and feared for their safety. One handed a journalist a note that read: "We do think that if we give things as they really are, then just on the way back or afterwards we may be seized and beaten."

Despite statements of concern from UNHCR, the International Committee of the Red Cross, and the State Department, the repatriation program continued. By late January, more than 300 students had been repatriated from Tak. Most of them, said Thant Myint U, relief coordinator for Emergency Relief Burma, had been arrested in the nearby town of Mae Sot and brought to Tak rather than being sent across the border to the student camps.

Forced repatriations were also being carried out from Ranong. Estimates provided by ABSDF suggest that, between October and January, perhaps 200 students were sent back to Victoria Point.

While most students were not handed over directly to Burmese authorities, the practice was still dangerous since, Thant said, "there is an army garrison stationed in Victoria Point, and student presence in town would immediately be known if a boat docked."

Ko Thet, a 25-year-old student of

Sites of Burmese Refugee and Displaced Persons Camps

BURMESE REFUGEES AND DISPLACED PERSONS

STUDENTS:

Thailand Border:	
Moe Thaung	216
Minthamee	288
Three Pagoda Pass	400
Thay Baw Bo	450
Wangka	364
Ye Kyaw	229
Saw Hta	176
Salween	425
Huay Zedi	257
Pa-O	180
Subtotal:	2,985
Inside Thailand:	1,000
China Border:	2,000
India Border:	1,000

KAREN:

Inside Thailand:	
Wangka	3,021
Noh Pa Doh	1,465
Mae La	2,636
Kamaw Lay Kho	1,818
Kler Kho	1,696
Sho Klo	6,476
Mae Ta Waw	2,212
Mae Po Hta	326
Ka Htee Hta	393
Subtotal	20,043
Internally Displaced:	32,323

MON:

Internally Displaced:	
Three Pagoda Pass (Mon Student Camp)	1,300
Mon Territory	6,412

KARENNI:

Inside Thailand:	2,000
Internally Displaced:	4,000

Burmese literature at Rangoon University, crossed into Ranong in September and lived there for three months, hiding in a warehouse, begging, and catching fish to survive. He was arrested with a group of four students and detained for ten days. "Then they put me on a fishing boat back toward Kawthaung," he told USCR, "but I begged for mercy and came back to Thailand."

Ko Thet was arrested for a second time along with 60 other Burmese. "I was kicked in the head by Thai security. I'm a hemophiliac and couldn't stop bleeding. Many of us were mistreated and used for hard labor." He was sent back again, and again appealed for help from the Thai fishermen. "They were very sympathetic," he said, "and brought me back to Thailand."

Tak Closes But Pushbacks Continue International pressure, coupled with protests from Thai student organizations and religious groups, contributed to a slowdown in the rate of repatriations from Tak.

On March 31, Thai authorities announced that all Burmese students remaining in Thailand would be considered illegal immigrants, subject to arrest and deportation. That same day, direct air repatriations out of Tak ended.

Since then, however, repatriations to border camps have taken place on a much larger scale. On April 6, 117 students were pushed back at gunpoint at Three Pagoda Pass. Many were seriously ill with malaria. Late in April another 97 students living in the Mae Sot area were repatriated to Three Pagoda Pass.

Although the student camps are in minority-controlled territory and not in what is often called "Burma proper," there are many risks in being sent across the border. Aside from inadequate food, shelter, and medical supplies--malaria has claimed the lives of perhaps 100 students in the last year--there is the constant danger of attack by the Burmese army. Since the beginning of the year, six student camps have been attacked by Burmese offensives. Five have been overrun, their populations sent scattering along the border and into Thailand.

"We would like the Thai government to permit the students temporary evacuation when the camps are attacked," said Dr. Thaung Htun, ABSDF secretary for foreign affairs. "When the Burmese army retreats

and the situation is safe again, we will go back."

Thai authorities have permitted ABSDF to operate a small clinic in Mae Sot, which treats an average of 40 or 50 students per day, mostly for malaria. But in most cases, Burmese students who cross the Thai border, even if they are fleeing for their lives, must go into hiding or risk being sent back.

On May 13, for example, Burmese troops shelled Salween camp, forcing its 200 residents and the 175 residents of nearby Saw Hta camp to cross the river into Thailand. Fearful of approaching the local authorities, the groups lived in the jungle for about two weeks. Many became ill, and two people died, before the students felt it was safe to return to the Burmese side.

Cross-Border Aid Pulls Together From January to April, the student population on the border dropped from about 4,500 to about 3,000, as people found their own way home, were repatriated through Tak and Ranong, or slipped deeper into Thailand. Despite the reduced numbers, aid groups based in Thailand remained concerned at the erratic assistance that was being provided. In May, armed with about $50,000 in initial pledges from international sources, several non-governmental relief groups organized the Burma Coordinating Group (BCG).

The ABSDF is responsible for monitoring distribution of food and medical supplies and identifying needs for the next month.

ABSDF leaders say that while the need for more food and medicine continues, BCG aid has helped to promote communication and better cooperation among the camps, and to provide incentives for setting priorities and managing resources.

But despite the welcome improvements that BCG has brought to the cross-border assistance effort, both the students and relief officials acknowledge that large questions loom just ahead: With current BCG funds exhausted in August, where will new contributions come from, and will they be sufficient to maintain even the present, inadequate level of aid? How much longer will the Thai government permit cross-border aid to continue, given its desire to maintain cordial relations with Rangoon? And what can be done to serve the equally needy refugee and displaced person populations now mostly beyond the reach of BCG assistance?

A Karen schoolgirl in Minthamee township. Almost one quarter of the children at her school had lost at least one parent in the 40-year war the Karen have waged with Rangoon.
Photo credit: USCR/Court Robinson

Tens of Thousands of Minorities Displaced by Burmese Army Persecution A British health worker in the Karen village of Minthamee told USCR, "It is too bad that so many people walk right through here to the student camp, then walk right through on their way back out again." To stop and listen is to hear the story of the Karen's

40-year struggle for autonomy, minority rights, and an end to military oppression.

Minthamee is deep in Karen territory and has never been attacked by the Burmese army. But from villages closer to the center of the country emerge accounts of long-standing and widespread abuse. "They come into town, they say you are rebels, and they destroy," said one man, echoing the stories told by countless others. Men are killed or hauled off to serve as porters for the army, women are beaten and raped, children are orphaned, crops are seized and houses burned to the ground.

Burmese Students in Thailand Are Also Vulnerable All of the Burmese groups--students on the border, minorities displaced in Burma or encamped in Thailand--have special vulnerabilities but each can find some strength in numbers and organizational unity. The estimated 1,000 Burmese students in Thailand are not only scattered in a dozen towns and cities throughout the country, but are generally lacking a common focus or source of support.

Their options are stark and few. "They are on their own," said Thant, "and face the choice of either living in the jungle to face possible army attack, malaria and terrible living conditions or finding their way to Bangkok, risking arrest and detention and trying to survive without money or knowledge of the Thai language."

A UNHCR official told USCR that about 40 or 50 students had come into the agency's Bangkok offices in the last six months. In some cases, students have been given "mandate refugee status" in the form of a letter which states that the bearer has presented credible evidence of a well-founded fear of persecution in his or her country. The official said it was unclear whether the UNHCR letter had carried any weight with Thai authorities.

In February, three Burmese students in Thailand sought help at the U.S. Embassy in Bangkok, according to Thant, but were sent to UNHCR. In March and April, "We were told, in effect, that the United States did not have any policy for Burmese in Thailand," Thant said.

Since that time, the Embassy has developed a policy of sorts. In early August, a U.S. refugee official told USCR that Burmese students have been issued "one or two" nonimmigrant visas and "only in extraordinary cases," parole. In July and August, the Immigration and Naturalization Service approved three Burmese cases for parole.

"At this point," the official said, "the U.S. envisions no refugee program for Burmese," but indicated that UNHCR has asked for consultations on the issue.

Aid and Asylum Remain the Most Urgent Needs Although the future of cross-border aid remains very uncertain, there are some encouraging signs. Several relief agencies in Thailand, previously not involved on the border, have expressed interest in providing humanitarian support. U.S. officials confirm they are discussing possible options for assistance. And each house of Congress has passed an amendment to foreign affairs legislation to authorize humanitarian assistance to Burmese on both sides of the border.

Meanwhile, even if Thai policy continues to treat Burmese students as illegal immigrants, there is little question that they cannot go home safely. On May 18, the Burmese government's State Law and Order Restoration Council announced that all returning students are subject to long prison terms. Those who continue political activities after their return will be sentenced to death.

An unclassified cable from the U.S. Embassy in Rangoon in August said, "Although unconfirmed accounts of torture of political prisoners have been widely circulated for weeks, we now have credible, first-hand reports that torture, beatings, and mistreatment are commonplace and that in some instances death has resulted. These reports relate accounts of cigarette burns, beatings resulting in severe eye and ear injuries, and electric shocks to the genitals."

The cable also said that the Burmese army continues to seize people around the country for porter duty. The cable recounted one incident "in which about 500 men, whom the eyewitness judged from appearance to be of the educated class, but older than students, were crowded into a central area before being taken away for porter duty in Kachin State. The men were tied together, some naked, others in their underwear, and were taunted by soldiers shouting, 'You were yelling for democracy last year. Why aren't you yelling now?'"

Update

° On July 31, representatives from the United States and the Socialist Republic of Vietnam announced that they had signed a draft agreement to permit the legal emigration of released reeducation camp prisoners and their close family members. The two sides expressed hope that a first group of 3,000 people would depart Vietnam before the end of 1989.

The resettlement program for reeducation camp prisoners would be in addition to the existing Amerasian and orderly departure programs, according to the State Department press announcement.

The U.S. delegation was led by Senior Deputy Assistant Secretary of State Robert L. Funseth. The Vietnamese delegation was led by Assistant Minister of Foreign Affairs Vu Khoan.

In a separate statement, Funseth urged Vietnam to issue more exit permits to people eligible for U.S. immigrant visas. He said that Vietnam has an annual quota of 20,000 immigrant visas, but this year only about 8,000 of those visas will be used.

° A final review of more than 10,000 Cambodians in Khao I Dang who previously had been denied resettlement in the United States was completed on May 31. According to the International Rescue Committee (IRC), which serves as Joint Voluntary Agency (JVA) in Thailand, all 11,319 previously denied Cambodians were re-interviewed by JVA staff. Of these, the Ethnic Affairs Office in the Department of State recommended that 3,036 should be re-presented to the Immigration and Naturalization Service (INS). INS overturned the denials of 1,923, or about 24 percent, of rejected Cambodians, sustained 724 of the original denials, and deferred 61.

INS and the Department of State had reached an agreement in August 1988 to take a last look at the denied Cambodian caseload in Khao I Dang, following persistent criticism from refugee advocacy and human rights groups that many of the original denials had been the result of inconsistent and sometimes arbitrary processing guidelines used by the Ethnic Affairs Office and INS.

"While the results may not please everyone," said Bob DeVecchi, IRC executive director, "they do represent, in my view, the fruits of hard labor, collaborative efforts and a genuine desire on the part of all concerned to do a thorough and professional job."

° In July, Thai authorities rounded up more than 1,400 lowland Lao living in Thailand and sent them to the Nong Saeng detention center outside of Nakhorn Phanom to be screened for refugee status. International refugee officials say that most of the Lao had been involved in some capacity with resistance efforts directed against the socialist government in Vientiane.

Many of the Lao originally had lived in Na Pho or other refugee camps in Thailand but, some time during the last 14 years, moved out into nearby towns and villages to engage in "irregular activities," a UN official said. He estimated that the round-up ultimately could encompass up to 10,000 people in all. "I think the government will start with the lowland Lao resistance first, and then do the highland Lao," he said.

Observers suggest that a deal was struck last April between the Thai and Lao military to the effect that, as a gesture to improve bilateral relations, Thailand would rein in Laotian resistance activity.

Virtually all of those recently rounded up would likely be screened in as refugees and transferred to Na Pho, where they would be eligible to seek resettlement in another country, the official predicted. He did have two concerns about the group, however.

"These are people who voluntarily have opted out of the refugee process and settled in Thailand," he said. "They are not asylum seekers and should not be forced to become so."

Second, the official worried that the presence of large numbers of resistance supporters in Nong Saeng and Na Pho could have a disruptive influence on the voluntary repatriation effort. Of the 14,600 residents of Na Pho, about 500 have signed up to return to Laos and 100 new cases are registering every month, the official said.

Since March, about 150 people, mostly lowland Lao, have returned home voluntarily each month, according to the UN High Commissioner for Refugees.

° Rioting broke out during the weekend of August 26 on Tai Ah Chau Island, where the Hong Kong government has impounded more than 5,000 boat people, according to the August 31 Washington Post.

Using iron bars and makeshift weapons, up to 2,000 Vietnamese reportedly attacked police who distribute food rations, injuring at least 23. While police regained control, the Post said that police and refugee workers called the violence inevitable, "given the squalid conditions on Tai Ah Chau and the frustration of many of the Vietnamese--who have spent their life savings to flee to the West, only to find themselves in virtual captivity in Hong Kong."

The Post said the Hong Kong government confirmed three cases of cholera among the Vietnamese.

"They are being confined in intolerable conditions that encourage violence," Chris Bale, director of Oxfam Hong Kong, told the Post. "All of that creates a powder-keg situation, and we simply have not got the uniformed personnel to control it."

° Rev. Peter Pond, a tireless advocate on behalf of Cambodian refugees, was shot and wounded in the leg on June 23 as he tried to intervene on behalf of Cambodian refugees at Site 8, a Khmer Rouge-controlled camp.

° On July 28, the House Judiciary Committee approved the Moakley/DeConcini bill, H.R. 45, by a vote of 20 to 14. H.R. 45, the Central American Temporary Relief Act of 1989, would temporarily suspend the detention and deportation of Salvadorans and Nicaraguans from the United States (see Refugee Reports, Vol. X, No. 6). The bill is now pending before the House Rules Committee, and floor action is expected in September. In 1987, the House approved a safe haven bill for Salvadorans and Nicaraguans by a 237-181 margin.

On the Senate side, the DeConcini bill, S. 458, is scheduled for the full Judiciary Committee on September 21.

° Perry Rivkind has resigned as INS district director in Miami. Rivkind came to national prominence in May 1986 when he announced unilaterally that he would not deport Nicaraguans from his district because he believed they might be subjected to persecution upon return.

° Nine Contra leaders applied for political asylum in the United States shortly after Central American presidents signed the Tela Agreement, calling for the demobilization of the Contra forces in Honduras. The Tela Agreement calls for the demobilization of the Contras by December 5 and their repatriation to Nicaragua or relocation to unspecified third countries.

Three of the asylum requests were granted immediately by the INS, and the remaining were being processed "as quickly as possible," the August 11 Washington Post cited INS figures as saying.

° Settlement was reached June 30 on a class action suit brought on behalf of Haitian detainees at the Krome facility in Florida who had been transferred in May to remote locations in Texas and Louisiana. Under the terms of the agreement, the INS agreed to transfer the detainees back to Miami. About 200 Haitians were affected by the lawsuit. Cheryl Little, attorney for the Haitian Refugee Center, which brought the suit, said, "It appears that they will be sending more people out to Texas and Louisiana to make room for those they are returning to Krome."

° Rudolf Kuznetsov, the head of the Soviet visa agency, predicted that 200,000 Soviets would emigrate this year and that another two million would travel outside the country, as a result of an easing of travel restrictions.

The August 23 Washington Post reported a press conference in which Kuznetsov said that a draft law liberalizing Soviet travel is likely to be submitted to the Soviet legislature next month. Would-be emigres would still be required to receive invitations from friends, relatives, or prospective employers, according to the Post.

Projects and Programs

REFUGEES SPEAK FOR THEMSELVES THROUGH "REFUGEE VOICES"

Since February, radio listeners around the country have been able to hear refugees tell, in their own words, about the situations that caused them to flee their homes

and about what it is like to be a refugee in the United States. The radio presentations are a service of Refugee Voices, A Ministry with Uprooted Peoples, a nonprofit agency established in 1987 to help educate the American public about refugees.

Refugee Voices records 3-4 minute programs that are distributed to approximately 300 radio stations in 49 states. Each program features a refugee talking about his or her personal experiences, as well as a commentary on a particular refugee situation somewhere in the world. The majority of the stations that broadcast the programs are noncommercial FM stations, including religious, country, jazz, and contemporary music stations. It is estimated that the broadcasts are reaching an audience of up to 8 million listeners.

According to Father Francis X. Moan, S.J., the agency's founder and director, the idea for Refugee Voices came about after an opinion poll taken in the early 1980s showed that while most respondents were opposed to the idea of allowing more refugees to come to the United States, when presented with the stories of individual refugees, most respondents indicated a willingness to admit the particular refugee whose story they had heard.

Father Moan decided that the best way to educate the public about refugees--and to combat what he saw as a growing xenophobia in the United States--was for Americans to hear refugees' stories first-hand. So far, dozens of refugees--both in the United States and in refugee camps in other countries--have made recordings for Refugee Voices. Some are well-known, like Hang Ngor, star of The Killing Fields, but most are ordinary people with equally compelling stories to tell.

Besides its radio programs, the agency produces printed material to make refugee voices heard. A regular newsletter, Revelations, as well as postcards and a calendar, are available from Refugee Voices, 713 Monroe Street, NE, Washington, DC 20017 (202) 832-0020.

AMERICAN FAMILIES OPENING HOMES TO CENTRAL AMERICAN TEENAGE ASYLUM SEEKERS

Victor was one of the child soldiers taken into the Guatemalan military. His American "mother" describes him as a "gentle giant" who fled, saying that he feared becoming an animal if he stayed any longer.

"He is a sweet, wonderful boy," said Becky Noyes, who has opened her Minnesota home to him and to several other young Central American asylum seekers, "but he tells horrible stories of the Guatemalan military. What he describes is torture, not military training."

Victor is one of thousands of children--mostly teenage boys--who have been set adrift by warfare in Central America.

Many who have fled north have found themselves apprehended and detained by the Immigration and Naturalization Service (INS) on the Texas border. Since a stepped up detention and deportation policy went into effect earlier this year (see Refugee Reports, Vol. X, Nos. 1, 2, and 5), the INS has opened three emergency shelters for unaccompanied minors in south Texas that hold about 160 children. The shelters, run by a nonprofit agency, International Educational Services, have generally been filled to capacity.

"Although we try to create a homey environment," said Jesse Villarreal, director of programs for IES, "it is better for children to be in a home environment."

The first choice is to reunite children with their own families in the United States. Of the children who have been placed in the emergency shelters, 76 percent have been reunified with family members. Another 18 percent have been placed in foster care or with sponsor families.

Foster care "in the Valley" is used primarily for the youngest children and for those with behavior problems who IES believes require closer attention. "They can still be supervised by our staff, we pick up the doctor bill, and pay the foster parents per diem," Villarreal said.

Central American Minors Need American Sponsors But, for most of the other children without family in the United States, placement with "sponsor families" is the next best choice.

The Border Association for Refugees from Central America (BARCA) and Proyecto Libertad are trying to line up sponsor families around the United States who would be willing to share their homes with Central American children without families

Four teenagers encountered in a south Texas shelter, each from a different country in Central America. "Here, we are all one country," they said.
USCR/B. Frelick

or whose families have not been located.

In addition to providing a home environment, being located outside the lower Rio Grande Valley also gives the youths better chances for fuller hearings and more individualized legal assistance before they face hearings before immigration courts in other parts of the country, according to Diane Paulsell, paralegal for minors with Proyecto Libertad in Harlingen, Texas. Proyecto provides free legal assistance to children in two of the south Texas shelters; BARCA, for the third.

Kathleen Grace, children's advocate for BARCA, said that she is looking for sponsors who are open and flexible to provide shelter on a temporary basis. She said that most of the youths BARCA have placed have been 16- and 17-year-old boys who have a pretty clear idea of what they want to do. "Most want to work, to get a job. Education is not a goal for most of them."

Grace said that the teenagers do better in urban environments with Spanish-speaking families or, at least, in places where there are Spanish speakers. She said that some problems have developed "where sponsors are interested in training them to be middle class, U.S. citizens."

Paulsell said, "Ideally, we are looking for Central American families, but we haven't been able to find any." Although they are minors, "some are too old to be someone's kid," she said.

None of the agencies places the children directly--that is in the hands of the INS. But the agencies play a valuable role in recruiting sponsors, screening them, and in talking with the kids to orient them about what to expect and to assess their suitability for placement.

It has been a cooperative effort in which all the players generally give each other high marks. Even the INS comes in for praise. "At first I thought of the INS as an agency out to get people," said Villarreal. "But I haven't worked with a better group of people in a long time than the INS people in the Valley. I have been very pleased with how they respond to the needs of the children."

His praise of the other private agencies is equally high. "Proyecto has provided legal assistance that our kids wouldn't get otherwise, and BARCA has really gotten the word out on sponsors. We couldn't do it without them."

<u>Sponsorship Provides a Temporary Haven, but an Uncertain Future Looms Ahead</u> Once the children are placed with a sponsor family, IES has no further responsibility for them. Part of the temporary feel of the arrangement comes, says Grace, because

the youths are still, technically, in the custody of the INS. The sponsor signs a paper saying he or she will provide food, clothing, shelter, and education and that the sponsor will take the minor to all immigration proceedings.

"The majority will be deported at the end of the hearings," said Grace. "Those are the percentages."

Becky Noyes agrees that the prospects often seem dim. "The toughest thing is their uncertain future," she says. "Victor has a good asylum claim, but the approval rate for Guatemalans is one percent. He is at risk and he knows it."

Yet Victor has adjusted very well to life in northern Minnesota. He is on the high school football team, has lots of American friends, and now speaks English.

Noyes' perspective on the needs of unaccompanied Central American teenagers differs to some degree from the agency personnel in Texas, who stress the temporary nature of placement and allowing the youths a fairly high degree of independence. She says, "These kids need moms and dads. Sometimes they give the illusion of being young adults, military veterans, but they are fundamentally still teenagers. They need guidance and love just like any kids do."

Noyes has also hosted several other boys, including a 13-year-old orphan from Honduras and an 18-year-old Nicaraguan who stayed for a month and half before locating his family in Miami and moving there. "He still calls us every other week," Noyes said. The Noyes also have a 15-year-old adopted son from El Salvador.

Noyes said that most of the boys initially experience a honeymoon period of near ecstasy, "not believing they are really out of detention, in a home." Later, she said, isolation sinks in, language difficulties, and homesickness.

Most experience profound culture shock. For boys who have been hungry much of their lives, the sight of an American kitchen filled with food can be overwhelming. Noyes tells of times when a boy will sit down and eat a half gallon of ice cream in a single sitting.

"They think everyone must be rich," she said. Having little concept of costs in the United States, Noyes and her husband include their teenage charges in discussions on the family budget.

Victor does odd jobs around the neighborhood. But, according to Noyes, he sends every penny home. "He is still close to his family, and misses them. But he is terrified that he might be sent back."

Anyone interested in sponsoring a Central American child should contact BARCA, P.O. Box 715, Edinburg, TX. (512) 631-7447.

Reader Exchange

° The National Immigration, Refugee & Citizenship Forum is seeking an executive director. Candidates should have experience in immigration and refugee issues, strong organizational management experience and communication skills. Send resume and letter by October 4 to Mark Handelman, National Forum Chairman, c/o NYANA, 730 Broadway, New York, NY 10003.

Resources

THE NEW ASYLUM SEEKERS

The changing face of asylum seekers in the 1980s was the subject of a colloquium at the University of Virginia Law School in 1986. A collection of papers presented at that meeting is now in print.

The volume, edited by David A. Martin, includes essays from some of the leading international figures on asylum policies in Europe and the United States.

Essays by Joan Fitzpatrick Hartman, Guy S. Goodwin Gill, and Kay Hailbronner focus on the applicability of humanitarian law incorporated in the Geneva Conventions to the situations of today's asylum seekers. The first two authors argue that humanitarian law <u>does</u> apply. Goodwin-Gill concentrates on the principle of <u>nonrefoulement</u>--the forced repatriation of a refugee--, which, he argues, "must now be understood as applying beyond the narrow confines of articles 1 and 33 of the 1951 Refugee Convention." He contends that international customary law extends the principle of <u>nonrefoulement</u> "to include displaced persons who do not enjoy the protection of their government of their country of origin."

Hailbronner, on the other hand, argues

that state practice, as shown by the asylum laws of Western Europe, the United States, and Canada, "does not support nonrefoulement of all humanitarian refugees as a norm of customary international law." He says that "nonrefoulement as customary international law is more properly viewed as the product of wishful thinking."

Fitzpatrick Hartman counters that argument by finding, "If we turn to actual practice by states receiving an influx of civilians fleeing directly from internal armed conflict, we find an extremely high degree of compliance with the ban on forced, involuntary repatriation." But what of civilians fleeing civil wars who do not cross directly into countries, such as the United States, where they seek asylum? She says, "there is nothing in the logic of the norm, the realities of the refuge-seekers' situation, or ir state practice that would reasonably give rise to the conclusion that states of second or third refuge are free to return civilians to the site of internal armed conflict simply because those civilians may have transited other states on their path of flight."

Fitzpatrick Hartman asks, "Is the United States in breach of the norm for forcibly repatriating large numbers of Salvadorans?" Her own answer to the question is yes, "The United States is indeed in objective breach."

Former INS Official Assesses Unfulfilled Promise of the Refugee Act Doris Meissner rounds out the book with a particularly candid look at the U.S. government's implementation of the Refugee Act of 1980. Meissner, who at the time of the Colloquium was the executive associate commissioner of the Immigration and Naturalization Service (INS) (she is now with the Carnegie Endowment for International Peace), notes failures both in the overseas refugee admissions component of the Refugee Act, as well as on asylum.

Refugee resettlement has failed, according to Meissner, because the solution--the humanitarian response of resettlement--adds to the problem by stimulating increases in refugee flows. "Over time," Meissner argues, "a refugee flow loses much of its refugee character and becomes a migration stream. By this point, many of those on the move are seeking admission to the United States to join family members and find opportunity--the classic profile of an immigration rather than a refugee group." To continue to admit such persons and call them refugees, she says, is improper, and leads to waning public support for admitting people with "thin" refugee claims.

On the asylum side, Meissner notes the influence foreign policy and immigration considerations have had on approval rates. "The INS's emphasis on rapid case processing and illegal immigration, combined with a lack of incentive for the State Department to dig into the difficult but critical issues of economic versus political flight, resulted in extremely low approval rates--about two percent--at the very time when public awareness of and revulsion over the death squad activity in El Salvador reached a peak."

The then-INS official said, "Had the norms and factual circumstances that were developed during the same period to guide decisions for overseas processing of Southeast Asian cases, for example, been applied to the Salvadoran caseload, I believe the pattern of approvals and denials would have been considerably different. Because such an effort was not made, the interested public and careful observers have rendered harsh judgment on the government's good faith and its willingness to administer a judicious political asylum policy."

The New Asylum Seekers: Refugee Law in the 1980's is available for $75. It can be ordered from Kluwer Academic Publishers, 101 Philip Drive, Norwell, MA 02061. (617) 871-6600.

AILA REVISES ASYLUM MANUAL

A manual for assisting asylum claimants in the United States has been updated and reissued by the American Immigration Lawyers Association.

The Law of Asylum in the United States: A Manual for Practitioners and Adjudicators explains the legal basis for asylum and discusses due process rights for asylum applicants. Particular attention is paid in the 1989 edition to the term "persecution" as interpreted in the refugee determination process.

The 81-page softbound manual, written principally by Deborah E. Anker, is avail-

able to AILA members for $19.95 and to non-members for $24.95 by writing AILA Publications, 1000 16th St., NW, Suite 604, Washington, DC 20036. (202) 331-0046.

ABA REPORTS ON SOUTH TEXAS SITUATION

Restrictive detention practices by the Immigration and Naturalization Service (INS), lack of adequate legal representation, and linguistic barriers combine to deny refugees the opportunity to apply for asylum in the United States, according to a report issued July 24 by the American Bar Association, based on a site visit to the Harlingen INS district in south Texas by a team of ABA lawyers.

To increase the availability of pro bono legal assistance in Harlingen, the ABA, along with the State Bar of Texas and AILA, are recruiting volunteer attorneys, law students, and legal assistants nationwide to provide free legal representation to detained asylum applicants.

"Lives on the Line: Seeking Asylum in South Texas" is available free of charge by contacting Carol Wolchok at the ABA, 1800 M St., NW, Washington, DC 20036. (202) 331-2268. For more information on the south Texas pro bono project, contact Wolchok or Robert Lang, ProBAR, 306 E. Jackson St., 3rd floor, Harlingen, TX 78550. (512) 425-9231.

DETAINED, DENIED, DEPORTED

Helsinki Watch has recently issued a comprehensive study of U.S. asylum policy, tracing the history and asylum and refugee protection in the United States, the law, domestic and international, as well as current U.S. policies and practices.

The report, Detained, Denied, Deported: Asylum Seekers in the United States, charges that U.S. asylum policies "not only make a mockery of the spirit of national and international refugee law but also directly violate the Refugee Act and the UN Refugee Convention." Specifically, the report charges that U.S. policies that prevent refugees from coming to the country, applying for asylum, or appealing negative decisions violate the statutory right to apply for asylum.

The report, written by Karen Konig, calls for terminating the Haitian interdiction program and for restricting detention to undocumented aliens who either constitute a threat to society or are likely to abscond. Helsinki Watch further calls for special training for INS adjudicators on country conditions and fair interviewing techniques. The report recommends eliminating political bias from the U.S. asylum adjudication process by involving independent organizations in providing information on human rights conditions to asylum adjudicators.

The 87-page report is available for $7. To order, write or call Helsinki Watch, 485 Fifth Avenue, New York, NY 10017. (212) 972-8400.

OTHER RECENT TITLES FROM HELSINKI WATCH...

Helsinki Watch has recently published other monographs concerning a number of countries that produce or host refugee populations.

Prison Conditions in Turkey, Prison Conditions in Poland, and Prison Conditions in Czechoslovakia are three in a series of reports on prison conditions by Human Rights Watch. The most recent report on Turkey documents cramped and dirty cells, contamination of food, and denial of medical care. The reports would be of particular value in assisting asylum seekers to document their claims. All are available from Helsinki Watch at the address listed in the previous resource.

REPORTS ON HUMAN RIGHTS IN LATIN AMERICA

During the past year, America's Watch has released a number of new reports on human rights in Latin America. The reports focus on Cuba, Ecuador, El Salvador, Guatemala, Nicaragua, Panama, Paraguay, and Peru.

Most of the reports include material on repatriated refugees and displaced persons. The report on El Salvador details the campaign against international relief workers working with returnees and the blocking of relief supplies to repopulated villages. The Cuba report addresses the consequences for those who seek political asylum abroad but are returned to Cuba and for the relatives in Cuba of those who seek asylum abroad. Human rights issues concerning

both the displaced population and former exiles are discussed in the report on Guatemala.

The reports are available from Americas Watch, 36 W. 44th Street, New York, NY 10036. (212) 840-9460. Prices range from $6-$10.

LAWYERS COMMITTEE CRITICIZES HONG KONG'S SCREENING AND DETENTION OF BOAT PEOPLE

A report released in June by the Lawyers Committee for Human Rights finds that Hong Kong's screening and detaining of Vietnamese boat people in order to deter future arrivals "violates...their fundamental human rights."

Inhumane Deterrence calls the screening process instituted by the Hong Kong government in June "unfair and improperly restrictive." According to the report, "screening is conducted with improper criteria that, for example, do not consider current country conditions or past treatment. From June 1988 through March of 1989, only three out of 1,327 Vietnamese cases processed have been recognized as meeting refugee status under international law."

The report recommends that "a special task force of well-trained, professional adjudicators should be assembled by Hong Kong to perform refugee status determinations, outside the ambit of immigration authorities."

According to the report, "Those not recognized as refugees are subject to arbitrary prolonged detention under harsh conditions. Incarceration is indefinite and based solely on the inability to return the individuals to Vietnam voluntarily. There is no suggestion that any of the individuals pose a danger to the community of Hong Kong."

The report recommends that "the detention policy be ended immediately," if necessary, through a "legal challenge." Instead, the report suggests that a "policy of asylum should be instituted in its place. If the prospect of resettlement has been a lure to Vietnamese boat people, then consideration should be given to further limiting resettlement in favor of a policy of protection and integration into the community."

Copies of the report are available from the Lawyers Committee for Human Rights, 330 Seventh Avenue, 10th Floor, New York, NY 10001, for $8.

REFUGEE ASSISTANCE EXAMINED WORLDWIDE

The 40-year history of the UN High Commissioner for Refugees (UNHCR) is recounted in A Future Preserved: International Assistance to Refugees, by Yefime Zarjevski.

In addition to discussing the basic principles that underlie the UNHCR, Zarjevski surveys refugee movements and UNHCR involvement region-by-region for the period under study.

The 280-page book includes maps and appendices with excerpts from the relevant international legal instruments for refugee protection.

A Future Preserved is available for $65 from the Pergamon Press, Headington Hill Hall, Oxford, U.K. OX3 0BW.

"Each time a person stands up for an ideal, or acts to improve the lot of others...he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance."
Robert F. Kennedy

We at the U.S. Committee for Refugees are grateful for the privilege of working with humanitarians like the late Congressman Mickey Leland and those who died with him in August on a mission of mercy for Sudanese refugees. We will miss our colleagues.

FY 89 REFUGEE ARRIVALS BY STATE*
As of June 1989

STATE	YTD FY 89	STATE	YTD FY89
ALABAMA	65	NEW JERSEY	1,170
ALASKA	13	NEW MEXICO	112
ARIZONA	533	NEW YORK	11,509
ARKANSAS	86	NORTH CAROLINA	307
CALIFORNIA	21,545	NORTH DAKOTA	74
COLORADO	625	OHIO	630
CONNECTICUT	681	OKLAHOMA	172
DELAWARE	42	OREGON	930
DISTRICT OF COLUMBIA	326	PENNSYLVANIA	1,981
FLORIDA	2,995	RHODE ISLAND	329
GEORGIA	696	SOUTH CAROLINA	42
HAWAII	155	SOUTH DAKOTA	78
IDAHO	159	TENNESSEE	400
ILLINOIS	2,901	TEXAS	2,199
INDIANA	124	UTAH	316
IOWA	429	VERMONT	84
KANSAS	291	VIRGINIA	834
KENTUCKY	131	WASHINGTON	2,151
LOUISIANA	243	WEST VIRGINIA	8
MAINE	108	WISCONSIN	1,249
MARYLAND	1,151	WYOMING	22
MASSACHUSETTS	2,760	AMERICAN SAMOA	0
MICHIGAN	829	GUAM	0
MINNESOTA	1,925	JOHNSON ATOLL	0
MISSISSIPPI	64	NO. MARIANNA ISLANDS	0
MISSOURI	529	MIDWAY ISLANDS	0
MONTANA	44	PUERTO RICO	2
NEBRASKA	226	TRUST TERRITORIES	0
NEVADA	158	VIRGIN ISLANDS	0
NEW HAMPSHIRE	129	WAKE ISLANDS	0
		UNKNOWN	13
		TOTAL YTD FY 89	64,535

* This report is based on documents from the Refugee (formerly ACVA) Data Center, ICM, and other federal agencies available on the above date and may not include information on all refugees in the categories reported.
Source: Office of Refugee Resettlement.

REFUGEE REPORTS is published monthly for $35.00 per year for one subscription, $25.00 each for two or more subscriptions to the same addressee, or $25.00 each for ten or more subscriptions requested at the same time, mailed to separate addresses; overseas postage is an additional $24.00 for second class or an additional $75.00 for airmail; by ACNS, 95 Madison Avenue, Third Floor, New York, NY 10016. Second Class Postage paid at New York and additional mailing offices. POSTMASTER: send address changes to *Refugee Reports*, Sunbelt Fulfillment Services, P.O. Box 41094, Nashville, TN 37204.

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